

BUSINESS REPORT

**MONTANA HOUSE OF REPRESENTATIVES
61st LEGISLATURE - REGULAR SESSION**

HOUSE LOCAL GOVERNMENT COMMITTEE

Date: Thursday, January 22, 2009
Place: Capitol

Time: 3:00 pm
Room: 172

BILLS and RESOLUTIONS HEARD:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Add Postponed (PP) when appropriate:

HB 191, HB 196, HB 231, HB 245

EXECUTIVE ACTION TAKEN:

Prefix (HB, HR, HJR, SB, SR, or SJR) and number. Enter P(pass) F(failed) DPAA (do pass as amended) BC(be concurred in) BCAA (be concurred in as amended):

HB 129 - DPAA HB 244 - Pass HB 245 - Pass HB 231 - Pass

COMMENTS:

HB 196, HB 191, HB 183 Tabled

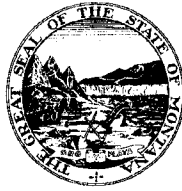


REP. Elsie Arntzen, Chairman

HOUSE OF REPRESENTATIVES
Roll Call
Local Government Committee

DATE: Jan. 22nd, 2009

<u>NAME</u>	<u>PRESENT</u>	<u>ABSENT/ EXCUSED</u>
Vice Chair MacLaren	X	
Vice Chair Hands	X	
Representative Becker	X	
Representative Bennett	X	
Representative Berry	X	
Representative Driscoll	X	
Representative Ebinger	X	
Representative Grinde	X	
Representative Hamilton	X	
Representative Ingraham	X	
Representative Menahan		X excused
Representative More	X	
Representative Reichner	X	
Representative Reinhart	X	
Representative Sands	X	
Representative Stahl	X	
Representative Vance	X	
Chairman Arntzen	X	



HOUSE STANDING COMMITTEE REPORT

January 23, 2009

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Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 129** (first reading copy – white) **do pass as amended.**

Signed:

Representative Elsie Arntzen, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Strike: "SECTION"

Insert: "SECTIONS 76-5-103 AND"

2. Page 1.

Following: line 9

Insert: "Section 1. Section 76-5-103, MCA, is amended to read:

"76-5-103. **Definitions.** As used in parts 1 through 4 of this chapter, unless the context otherwise requires, the following definitions apply:

(1) "Artificial obstruction" means any obstruction that is not a natural obstruction and includes any dam, wall, riprap, embankment, levee, dike, pile, abutment, projection, revetment, excavation, channel rectification, bridge, conduit, culvert, building, refuse, automobile body, fill, or other analogous structure or matter in, along, across, or projecting into any flood plain or floodway that may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by the water, or that is placed where the natural flow of the water would carry the same downstream to the damage or detriment of either life or property.

(2) "Channel" means the geographical area within either the natural or artificial banks of a watercourse or drainway.

(3) "Department" means the department of natural resources and conservation provided for in Title 2, chapter 15, part 33.

(4) "Designated flood plain" means a flood plain whose limits have been designated ~~and established by order of the~~

Committee Vote:

Yes 17, No 1

Fiscal Note Required ☐

HB0129001SC.hjd

department pursuant to part 2 of this chapter.

(5) "Designated floodway" means a floodway whose limits have been designated ~~and established by order of the department~~ pursuant to part 2 of this chapter.

(6) "Drainway" means any depression 2 feet or more below the surrounding land serving to give direction to a current of water less than 9 months of the year and having a bed and well-defined banks.

(7) "Establish" means construct, place, insert, or excavate.

(8) "Flood" means the water of any watercourse or drainway that is above the bank or outside the channel and banks of the watercourse or drainway.

(9) "Flood of 100-year frequency" means a flood magnitude expected to recur on the average of once every 100 years or a flood magnitude that has a 1% chance of occurring in any given year.

(10) "Flood plain" means the area adjoining the watercourse or drainway that would be covered by the floodwater of a flood of 100-year frequency, except for sheetflood areas that receive less than 1 foot of water per occurrence and are considered "zone B" by the federal emergency management agency.

(11) "Floodway" means the channel of a watercourse or drainway and those portions of the flood plain adjoining the channel that are reasonably required to carry and discharge the floodwater of any watercourse or drainway.

(12) "Natural obstruction" means any rock, tree, gravel, or analogous natural matter that is an obstruction and has been located within the flood plain or floodway by a nonhuman cause.

(13) "Owner" means any person who has dominion over, control of, or title to an obstruction.

(14) "Political subdivision" means any incorporated city or town or any county organized and having authority to adopt and enforce land use regulations.

(15) "Responsible political subdivision" means a political subdivision that has enacted land use regulations in accordance with parts 1 through 4.

(16) (a) "Watercourse" means any depression 2 feet or more below the surrounding land serving to give direction to a current of water at least 9 months of the year and having a bed and well-defined banks.

(b) Upon order of the department, the term also includes any particular depression that would not otherwise be within the definition of watercourse."

3. Page 1, line 28 through line 30.

Strike: line 28 through line 30 in their entirety

Insert: "(3) Nothing in this part precludes a political subdivision from designating by ordinance or resolution, without prior state designation, flood plains and floodways as designated by the United States federal emergency

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management agency and as necessary for compliance with the national flood insurance program if the department determines the designation is in compliance with parts 1 through 4 of this chapter."

- END -



HOUSE STANDING COMMITTEE REPORT

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Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 244** (first reading copy – white) **do pass**.

Signed: _____

Representative Elsie Arntzen, Chair

- END -

Committee Vote:

Yes 17, No 1

Fiscal Note Required ☐

HB0244001SC.hjd



HOUSE STANDING COMMITTEE REPORT

January 23, 2009

Page 1 of 1

Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 245** (first reading copy – white) **do pass**.

Signed: _____

Representative Elsie Arntzen, Chair

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required ☐

HB0245001SC.hjd



HOUSE STANDING COMMITTEE REPORT

January 23, 2009

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Mr. Speaker:

We, your committee on **Local Government** recommend that **House Bill 231** (first reading copy – white) **do pass**.

Signed: _____

Representative Elsie Arntzen, Chair

- END -

Committee Vote:

Yes 18, No 0

Fiscal Note Required ____

HB0231001SC.hjd

COMMITTEE FILE COPY

TABLED BILL

The HOUSE LOCAL GOVERNMENT COMMITTEE Tabled HB 196, by motion, on Thursday, January 22, 2009.

Katie Butcher
(For the Committee)

[Signature]
(Chief Clerk of the House)

_____, 1/23
(Time) (Date)

January 23, 2009

Katie Butcher, Secretary

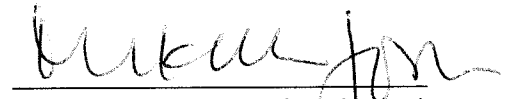
Phone: 406-444-4482

COMMITTEE FILE COPY

TABLED BILL

The HOUSE LOCAL GOVERNMENT COMMITTEE Tabled HB 191, by motion, on **Thursday, January 22, 2009**.


(For the Committee)


(Chief Clerk of the House)

_____, 1/23
(Time) (Date)

January 23, 2009

Katie Butcher, Secretary

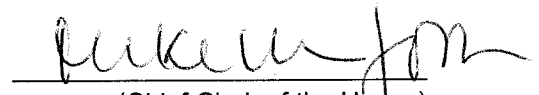
Phone: 406-444-4482

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TABLED BILL

The **HOUSE LOCAL GOVERNMENT COMMITTEE** Tabled HB 183, by motion, on **Thursday, January 22, 2009**.


(For the Committee)


(Chief Clerk of the House)

_____, 1/23
(Time) (Date)

January 23, 2009

Katie Butcher, Secretary

Phone: 406-444-4482

**Montana House of Representatives
Visitors Register**

Local Government

Date JAN 22, 09

Bill No. 191 **Sponsor(s)** _____

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Name and Address	Representing	Support	Oppose	Inf.
Cheri Anderson 517 Broadway #10			X	
Alex Thorst 517 Broadway #10			X	
Kristy Gillis			X	
Jennell Hazen			X	
Cynda Nelson			X	
Kevin Spudis			X	
Rosana C. Martinez			X	
John Chasely			X	
Sandra Severson			X	
Misty Severson			X	
Sharon Neary			X	
Gayle Holm			X	
Bert & Tor Westlund			X	
Mike Monahan			X	
Chris Bowman				
Anthony Baker			X	
Ryan Downey			X	
Betsy Hussey De la, MT			X	
Beau Bierman			X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**Montana House of Representatives
Visitors Register**

Local Government

Date 1-22-09

Bill No. 101 **Sponsor(s)** _____

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Name and Address	Representing	Support	Oppose	Inf.
Sheldan Tighe			X	
Amy Jensen			X	
Penie Walls			X	
Annette McReynolds			X	
Michael McReynolds			X	
Kurt Miller			X	
JAREK WATTS			X	
Fred Myers			X	
John Von Myers			X	
Melissa Copenhagen			X	
Tucker Brown			X	
Blake Hurdle			X	
Erika Phillips			X	
Madeline De Candia			X	
Joseph Erickson			X	
LARSUDELPHI			X	
Amanda Grawatz			X	
Robert Burns			X	
John Ross			X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**Montana House of Representatives
Visitors Register**

Local Government

Date 1-22-2009

Bill No. HB 191 **Sponsor(s)** Rep. Driscoll

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Name and Address	Representing	Support	Oppose	Inf.
Marshall Sewell	Self	X		
Mark M. Daniel	Self		X	
Marita McDaniel	self		X	
Melody Gesselle	Self		X	
Marion Erg	Self		X	
Robin Layton	Self		X	
Sandra Hamlin	Self		X	
JANET MORITZ	Amos & MAGDO		X	
Brett Lloyd	self		X	
Jill Lloyd	Self		X	
DAVE WOOD	SELF		X	
Veronica Gabriel	Self		X	
Steve Nichols	Self		X	
Gina A. Wiest	Lewis & Clark		X	
SANDY GOODWIN	SELF		X	
DRAKIE Irion	me		X	
Kenny Rogers	SELF		X	
John Wells	Self		X	
Erik McIntosh	Self		X	

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**Montana House of Representatives
Visitors Register**

Local Government

Date 1-22-09

Bill No. 191 **Sponsor(s)** _____

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Name and Address	Representing	Support	Oppose	Inf.
Jenn Ross 3145th			X	
Shawna Stallings			X	
JEANNE BIGGON			X	
HOLLY GROFF 59502			X	
Samie Jones Bozeman			X	
Deirdre Jones BOZEMAN				
Cassandra Rankin	Helena		X	
Lisa Thomas	Butte		X	
Joe Stawinski	Butte		X	
Amber Jones 1120 Wilder	Helena		X	

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**Montana House of Representatives
Visitors Register**

Local Government

Date 1-22-2009

Bill No. HB 191 Sponsor(s) Rep. Driscoll

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Name and Address	Representing	Support	Oppose	Inf.
Troy Kechely - Bozeman	THINK DOG CONSULTING		X	
DAUR PAULT	MACA / HSUS		X	
Christy Dighans	Myself		X	
Angie McDunn	McDunn K9		X	
10030 1st Ave SE Owen Massey	Myself		X	
Patricia Hoopes	Myself		X	
Bridget Petrucci - Stevi	Myself & my family!		X!!	
Nathaniel L. McCornick	Dog & Self		X"	
DAVID AUBERT	SELF		X	
JOANNE DURHAM	SELF		X	
BEN DENABSON	self	X		
LOREN SHRIVER	my		X	
Tiffany Deaton	My dog & Myself		X	
Justin Marr	"		X	
Shelly Wittman Ballantine mt.	HB 191	X		
Amanda J. Hodge	FUKC		X	
Shane Gabriel	Dogs		X	
Doug Ruebke	HB 191	X		
David Dicks	Self	X		

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Montana House of Representatives Visitors Register

Local Government

Date _____

Bill No. 191 **Sponsor(s)** _____

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Name and Address	Representing	Support	Oppose	Inf.
Peggy Eckert	HB 191	X		
Tom Ringe Ballantyne Mt	HB 191	X		
Shirley Hyde Ballantyne	HB 191	X		
Glenda Lohn Ballantyne	HB 191	X		
Keith Robert Ballantyne	HB 191	X		
George Martens Ballantyne	HB 191	X		
Drake Trion 1528 Bighorn Rd	ME			
CHRIS STORSTAD Hereford	myself		X	
M.A. DUEZABOU	self		X	
Julie Russell	F.A.B.B.		X	
Jess Barkmeyer	Animal hospital		X	
Terry Gauthier	HB 191		X	
John HAZEN	HB 191		X	
Craig Vukasin	HB 191		X	
DAVE WOOD	SELF		X	
SEAN WINES	HB 191		X	
Dr. Shirl Wagner Deer Creek/Miner Cir	HB 191		X	
Susan Gerke 3130 Duffly Maiden Helena	HB 191		X	
Susan Browne 7750 No 5th Rd	HB 191		X	

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**Montana House of Representatives
Visitors Register**

Local Government

Date JAN 22, 09

Bill No. 191 **Sponsor(s)** _____

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Name and Address	Representing	Support	Oppose	Inf.
Cott Chretien	myself		X	
Kayla Hooy	myself		X	
Corinda N. Hack	myself		X	
Antez Hooper	myself		X	
Heidi Mann	myself		X	
Nicole Thompson Steco	myself (E+2511R)		X	
Christina Stiles	myself		X	
Dorothy Johnson	myself		X	
Megan Hutchinson	myself		X	
Amy Hilley	myself		X	
Ann Hudson	myself		X	
Christina Gallardo	myself		X	
Norman Rostaki	Self		X	
Kyle Brown	Self		X	
JEBB MAMMEN	SELF		X	
James F. Krizner	SELF		X	
Sheila Mays	Self		X	
Doug Bright	" "		X	
Carolyn Bright	" "		X	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**Montana House of Representatives
Visitors Register**

Local Government

Date 1-22-2009

Bill No. HB 231 **Sponsor(s)** Rep. Glaser

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Name and Address	Representing	Support	Oppose	Inf.
LINDA STELL	MT Assn of Realtors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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**Montana House of Representatives
Visitors Register**

Local Government

Date 1-22-2009

Bill No. HB 245 **Sponsor(s)** Rep. Ankney

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Name and Address	Representing	Support	Oppose	Inf.
NIPDH Stoll	Missoula County	✓		
Sheryl Wood	MACo	✓		

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.

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